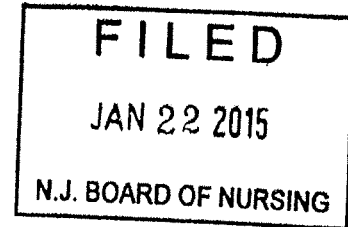


JOHN J. HOFFMAN  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
Division of Law, 5<sup>th</sup> Floor  
124 Halsey Street  
P.O. Box 45029  
Newark, NJ 07101  
Attorney for Board of Nursing



By: DAG Susan Carboni  
Tel. (973) 648-2894

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION	:	Administrative Action
OR RECOVATION OF THE LICENSEE OF	:	
	:	
NICOLE MACHEK, R.N.	:	ORDER OF SUSPENSION
LICENSE # NO 11344500	:	OF LICENSE
	:	
TO PRACTICE AS A REGISTERED	:	
NURSE (R.N.) IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information indicating the following:

1. Respondent, Nicole Macheck, is the holder of License No. NO 11344500 and is a registered nurse in the State of New Jersey.

2. Respondent entered into a private letter agreement with the Board which she signed on or about August 25, 2014. (Exhibit A) The agreement required respondent to enroll in the Recovery and Monitoring Program of New Jersey (RAMP), undergo

evaluation and monitoring, agree to follow recommendations by RAMP for further treatment, and to refrain from the use of any and all potentially addictive substances. (Exhibit A, ¶¶ 2, 6, and 10) The agreement was to have the force and effect of a Board Order within the intendment of N.J.A.C. 13:45C-1.4. In the event that the Board received reliable information that respondent had acted in violation of the RAMP contract and/or the agreement, the agreement was no longer to remain confidential.

3. In a communication dated October 30, 2014, RAMP's Director advised the Board that respondent was noncompliant with her RAMP contract, in that she had tested positive for alcohol on August 21, 2014, and initially she delayed in entering treatment. Although RAMP was advised that she ultimately entered treatment at Princeton House and was to be released during the week following October 2, 2014, Ms. Machek did not respond to RAMP's attempt to contact her following October 2, 2014 and did not sign an authorization form for inactivation of her nursing license which she had been sent. (Exhibit B)

4. On or about December 23, 2014, a letter was sent to respondent on behalf of the Board by overnight and regular mail at her address of record, advising respondent that the Board had received credible information indicating that she was not in compliance with the private letter agreement, and advising her

to forward within five days any proof that she was currently in compliance with RAMP. (Exhibit C)

5. The overnight mailing was delivered on December 24, 2014. (Exhibit C) The regular mailing was not returned. No response has been received to date.

6. A certification from RAMP's director dated January 20, 2015 indicates that Ms. Machek has not responded to RAMP's attempts to contact her, including a letter sent to her on October 22, 2014, and that Ms. Machek has not called to check in for drug screening since September 12, 2014. (Exhibit D)

7. The private letter agreement signed by respondent , which by its terms has the force and effect of a Board order within the intendment of N.J.A.C. 13:45C-1.4, provided for automatic suspension of respondent's nursing license upon receipt of reliable information indicating that respondent has violated any term of the private letter agreement. (Exhibit A, ¶13) Failure to participate in the program constitutes a violation of the private letter agreement.

Accordingly,

IT IS on this 22<sup>nd</sup> day of January , 2015  
HEREBY ORDERED THAT:

1. Respondent's license to practice nursing in the State of New Jersey shall be and hereby is suspended for her violation of the private letter agreement, which is deemed a violation of a

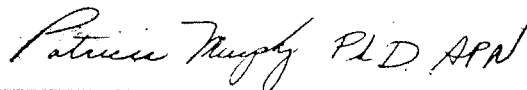
Board order within the intendment of N.J.A.C. 13:45C-1.4 and N.J.S.A. 45:1-21(e) .

2. Respondent may, under the terms of the private letter agreement, upon notice, request a hearing on the sole issue of whether respondent has failed to comply with the terms of the private letter agreement.

3. In the event that respondent seeks reinstatement of her New Jersey nursing license at any future time, the Board shall not entertain any application for reinstatement without respondent's demonstrating that she is in full compliance with the terms and conditions of the private letter agreement and with any agreement with RAMP, and is fit and competent to practice nursing.

NEW JERSEY STATE BOARD OF NURSING

By:



Patricia Ann Murphy, PhD, APN, C  
Board President